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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 6th August, 1987:—

BILL NO. XXIX OF 1987

A Bill further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Merchant Shipping (Second Amendment) Act, 1987.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

44 of 1958.

2. In section 352H of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act),—

Amend-
ment of
section
352H.

(a) in sub-section (1),—

(i) the brackets and figure “(1)” shall be omitted;

(ii) after clause (e), the following clause shall be inserted, namely:—

“(f) “tonnage” means the tonnage of a ship determined in accordance with the provisions of section 352B and where it is not so determinable, it means forty per cent. of the weight in tons of oil cargo the ship is capable of carrying.”;

(b) sub-section (2) shall be omitted.

Amend-
ment of
section
352J.

3. In section 352J of the principal Act, in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) one hundred and thirty-three Special Drawing Rights for each ton of the ship’s tonnage; or

(b) fourteen million Special Drawing Rights.”.

Amend-
ment of
section
352K.

4. In section 352K of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The amount in Special Drawing Rights to be deposited or secured in the fund under sub-section (1) shall be converted in rupees on the basis of official value in rupees of the Special Drawing Rights as determined by the Reserve Bank of India on the date of constitution of the fund.”.

Amend-
ment of
section
352N.

5. In section 352N of the principal Act,—

(i) in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) one hundred and thirty-three Special Drawing Rights for each ton of the ship’s tonnage; or

(b) fourteen million Special Drawing Rights.”;

(ii) in sub-section (3), after the word and figures “November, 1969”, the words “as amended from time to time” shall be inserted.

Amend-
ment of
section
352O.

6. In section 352O of the principal Act, after the word and figures “November, 1969”, the words “as amended from time to time,” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend certain provisions of Part XB of the Merchant Shipping Act, 1958, relating to Civil Liability for Oil Pollution Damage so as to give effect to India's accession to the International Convention on Civil Liability for Oil Pollution Damage, 1969, and the Protocol to that Convention (hereinafter referred to as the 1976 Protocol).

2. Under the said Convention of 1969, the liability of the owner of the ship in respect of any one incident is limited to an aggregate sum of 2,000 francs for each ton of the ship's tonnage subject to a maximum of 210 million francs. The 1976 Protocol, *inter alia*, replaced the reference to franc by Special Drawing Rights. This was done to avoid problems created by the fluctuations in currencies of different countries in relation to franc and in conformity with the practice followed in most of the International Conventions. It is, therefore, necessary to replace the reference to "franc" in Part XB of the Merchant Shipping Act, 1958, by "Special Drawing Rights" and to make the necessary consequential amendments.

3. The Bill seeks to achieve the above objects.

NEW DELHI;
The 31st July, 1987.

RAJESH PILOT.

SUDARSHAN AGARWAL,
Secretary-General.

